

Contract Appeals Board

Description	FY 2003 Approved	FY 2004 Proposed	% Change
Operating Budget	\$746,393	\$756,055	1.3

The mission of the Contract Appeals Board is to provide an impartial, expeditious, inexpensive, and knowledgeable forum for hearing and resolving contractual disputes and protests between the District and contractors.

Originally established by D.C. Reorganization Order 29 in 1953 to serve as the agent of the District's executive in resolving disputes between contractors and the District, the board had its jurisdiction statutorily re-established and enhanced by the Procurement Practices Act of 1985 (PPA), which is now codified as amended at Title 2, Chapter 3, Unit A of the D.C. Code (2001). Effective in 1986, the PPA defined the board's jurisdiction to include review of protests of contract solicitations and awards, contracting officer final decisions on contractor claims, and debarment and suspension determinations. In 1997, the Procurement Reform Amendment Act augmented the scope of the PPA and the juris-

diction of the board to include hearing and resolving contract disputes for most independent District agencies. Agencies exempt from the PPA may have the board resolve their contract disputes and protests.

There are three mayorally appointed Administrative Judges, one of whom is designated as Chief Administrative Judge. Pursuant to the PPA, as currently amended, this quasi-judicial body has exclusive jurisdiction to hear and resolve: (1) protests of District contract solicitations and awards; (2) appeals of contracting officer final decisions brought by contractors against the District; (3) claims by the District against contractors; (4) appeals by contractors of suspensions or debarments; and (5) appeals of interest payment claims under the Quick Payment Act.

The agency plans to fulfill its mission by achieving the following strategic result goals:

- Provide impartial, expeditious, and cost-effective review and resolution of contract disputes between the District and the contracting communities.
- Continue comprehensive electronic filing of case pleadings.
- Begin electronic archiving of closed cases.

Did you know...

The Procurement Practices Act requires the Administrative Judges of the Contract Appeals Board to have experience in public contract law.

The three board judges have more than 90 years of experience in public contract law.

The Contract Appeals Board was the first administrative tribunal in the U.S. to establish comprehensive electronic case filing in all of its cases.

Where the Money Comes From

Table AF0-1 shows the sources of funding for the Contract Appeals Board

Table AF0-1

FY 2004 Proposed Operating Budget, by Revenue Type

(dollars in thousands)

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change From FY 2003	Percent Change
Local Fund	738	676	746	756	10	1.3
Total for General Fund	738	676	746	756	10	1.3
Gross Funds	738	676	746	756	10	1.3

How the Money is Allocated

Tables AF0-2 and 3 show the FY 2004 proposed budget for the agency at the Comptroller Source Group level (Object Class level) and FTEs by fund type.

Table AF0-2

FY 2004 Proposed Operating Budget, by Comptroller Source Group

(dollars in thousands)

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change from FY 2003	Percent Change
11 Regular Pay - Cont Full Time	376	183	492	492	0	0.0
12 Regular Pay - Other	111	241	0	0	0	0.0
13 Additional Gross Pay	9	22	0	0	0	0.0
14 Fringe Benefits - Curr Personnel	71	58	67	78	11	15.6
Subtotal Personal Services (PS)	566	504	559	570	11	1.9
20 Supplies and Materials	6	5	7	6	-1	-21.1
31 Telephone, Telegraph, Telegram, Etc	4	5	5	5	0	-5.4
32 Rentals - Land and Structures	139	134	158	147	-11	-6.7
34 Security Services	0	2	3	3	0	4.4
40 Other Services and Charges	5	18	10	11	1	7.8
70 Equipment & Equipment Rental	16	8	4	15	11	262.5
Subtotal Nonpersonal Services (NPS)	171	172	187	186	-1	-0.5
Total Proposed Operating Budget	738	676	746	756	10	1.3

Table AF0-3

FY 2004 Full-Time Equivalent Employment Levels

	Actual FY 2001	Actual FY 2002	Approved FY 2003	Proposed FY 2004	Change from FY 2003	Percent Change
General Fund						
Local Fund	6	5	6	6	0	0.0
Total for General Fund	6	5	6	6	0	0.0
Total Proposed FTEs	6	5	6	6	0	0.0

Gross Funds

The proposed budget is \$756,055, representing an increase of 1.3 percent over the FY 2003 approved budget of \$746,393. There are six total FTEs for the agency, representing no change from FY 2003.

General Fund

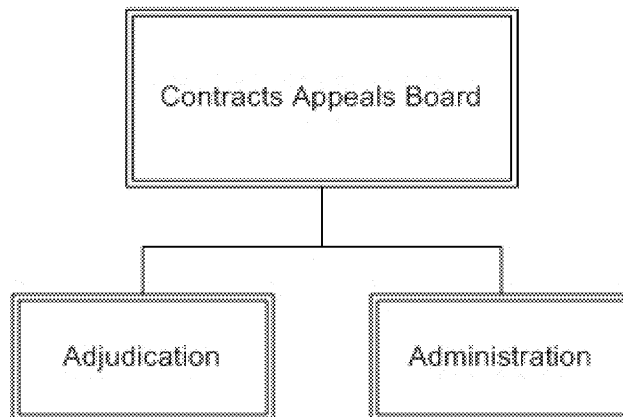
Local Funds: The proposed budget is \$756,055, an increase of \$9,662 over the FY 2003 approved budget of \$746,393. There are six FTEs funded by Local sources, representing no change from

FY 2003.

Changes from FY 2003 approved budget are:

- An increase of \$10,540 in fringe benefits for a reclassified position.
- An increase of \$10,500 for computer equipment upgrades.
- A decrease of \$10,521 in fixed costs.
- A decrease of \$857 in nonpersonal services reflecting gap closing measures for FY 2004.

Figure AF0-1

Contract Appeals Board**Programs**

The Contracts Appeals Board operates the following programs:

Adjudication - The Board hears and resolves the following types of cases: (1) protests of District contract solicitations and awards; (2) appeals of contracting officer final decisions brought by contractors against the District; (3) claims by the District against contractors; (4)

appeals by contractors of suspensions or debarments; and (5) appeals of interest payment claims under the Quick Payment Act. The Procurement Reform Amendment Act requires the Board to decide protests within 60 business days of filing. For motions challenging a determination by the Chief Procurement Officer to proceed with contract performance while a protest is pending, the Act requires the Board to issue a decision within

10 business days of the motion being filed.

Administration - Administration consists of day-to-day office operations of the board that support its adjudication function. The support staff serves at the direction of the Chief Administrative Judge.

Agency Goals and Performance Measures

Goal 1: Address the questions and concerns of litigants in a timely and cost-effective fashion.

Citywide Strategic Priority Area(s): Making Government Work

Manager(s): Jonathan Zischkau, Chief Administrative Judge

Supervisor(s): Jonathan Zischkau, Chief Administrative Judge

Measure 1.1: Percentage of protests resolved within 60 business days

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	75	80	100	100	100
Actual	75	93	-	-	-

Note: CAB increased the FY 2003 and FY 2004 targets from 80 percent to 100 percent. (12/27/02)

Measure 1.2: Percentage of appeals on the docket resolved

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	25	25	25	25	25
Actual	26	28	-	-	-

Measure 1.3: Percentage of decisions submitted for publication

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	100	100	100	100	100
Actual	100	100	-	-	-

Measure 1.4: Percentage of new cases using electronic filing services

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	N/A	N/A	100	100	100
Actual	N/A	N/A	-	-	-

Measure 1.5: Percentage of closed cases electronically archived

	Fiscal Year				
	2001	2002	2003	2004	2005
Target	N/A	N/A	33	33	33
Actual	N/A	N/A	-	-	-